



TOWN OF WEST HARTFORD

DEPARTMENT OF COMMUNITY
DEVELOPMENT
PLANNING DIVISION
TOWN OF WEST HARTFORD
50 SOUTH MAIN STREET
WEST HARTFORD, CT 06107-2431
TEL: 860.561.7555 FAX: 860.561.7504
www.westhartfordct.gov

PERMIT APPLICATION FOR: (check one of the following)

☐ Lot Split ☒ Special Use Permit ☐ Site Plan
☐ Lot Line Revisions ☐ Subdivision ☐ Building Line

FOR OFFICE USE ONLY

File #: 1312

Date Received: 7.20.17

Street Address of Proposed Application: 1445 New Britain Ave

Zone: _____ Acreage/Lot Area: _____ Parcel/Lot#: _____

Application Fee: \$350 Surcharge Fee: \$60 Affidavit Fee: •

Applicant's Interest in Property: Tenant

Brief Description of Proposed Activity: Outdoor dining area with 13 tables
and 42 seats

The undersigned warrants the truth of all statements contained herein and in all supporting documents to the best of his/her knowledge and belief. Furthermore, the applicant agrees that submission of this document constitutes permission and consent to Commission and Staff inspections of the site. *Note: Notice is hereby given the Connecticut Department of Public Health must be notified by applicants for any project located within a public water supply aquifer protection area or watershed area. (CTDPH website at <http://www.dph.state.ct.us>)*

Seritage SRC Finance LLC
Record Owner's Name
489 Fifth Avenue, 18th Floor
Street
New York, NY 10017
City State Zip
424-901-7656
Telephone #

Contact Person:

Susan A. Hays
Name
Updike, Kelly & Spellacy, P.C.
100 Pearl Street
Street
Hartford, CT 06103
City State Zip
860-548-2640
Telephone #

Shake Shack
Applicant's Name
24 Union Square East, 5th Floor
Street
New York, NY 10003
City State Zip
646-747-3444
Telephone #

Susan A. Hays
Applicant's Signature

See Attached
Signature of Owner/Authorized Agent

shays@uks.com
Email Address

TO: West Hartford Town Plan and Zoning Commission

The undersigned, owner of the property located at 1445 New Britain Avenue, West Hartford, Connecticut (the "Property"), does hereby authorize Shake Shack to submit an application to the Town of West Hartford Plan and Zoning Commission for a special permit for outdoor dining for a Shake Shack restaurant at the Property.

SERITAGE SRC FINANCE LLC

By: _____

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be a first name followed by a last name. There are several vertical lines drawn through the signature, possibly for emphasis or as part of the signature itself.

AFFIDAVIT OF INTEREST


The undersigned, being duly sworn, hereby deposes and says that, to the best of her ability:

The names and addresses of any persons firms or corporations having a direct or indirect interest in a personal or financial sense in the request by Seritage SRC Finance, LLC for a modification to SDD #6 for 1445 New Britain Avenue, West Hartford, Connecticut are as follows:

Seritage SRC Finance LLC, 489 Fifth Avenue, 18th Floor, New York, NY 10017;


FW CT—Corbins Corner Shopping Center, LLC, One Independent Drive, Suite 114,
Jacksonville, FL 32202.

In Witness Whereof, the undersigned has executed this Affidavit on the 18th day of July, 2017.


Printed Name: Susan A. Hays, Attorney
For the Applicant

STATE OF CONNECTICUT)
) ss: Hartford
COUNTY OF HARTFORD)

Subscribed and sworn to before me this 18th day of July, 2017.


James M. Connor
Commissioner of the Superior Court



July 19, 2017



Town Plan & Zoning Commission
Town of West Hartford
50 South Main Street
West Hartford, Connecticut, 06107

Re: Application of Shake Shack for a Special Use Permit for Outdoor Dining at Premises located at 1445 New Britain Avenue

Dear Honorable Members of the Town Plan & Zoning Commission:

This office serves as land use counsel to Shake Shack ("Shake Shack" or the "Applicant"), as the lessee of a portion of certain commercial property known as 1445 New Britain Avenue (the "Premises"). Please accept this Application on behalf of Shake Shack for the issuance of a Special Use Permit to allow for accessory outdoor dining at the Premises pursuant to §177-37.2 of the West Hartford Code of Ordinances (the "Code"). An Outdoor Dining Plan (Sheets A101 and A501) prepared by Aria Group Architects, Inc., and other related attachments are filed herewith.

Introduction

Applicant plans to operate a Shake Shack restaurant at the Premises. There are currently over 134 Shake Shack locations across the United States, and 3 locations in Connecticut (New Haven, Darien and Westport). Offerings typically include burgers, hot dogs, frozen custard, shakes, beer, wine and more (see attached menu from New Haven restaurant). Outdoor dining options are a part of the franchise model where practical, and Shake Shack believes that outdoor seating at the Premises will enhance the site, bringing lots of excitement to the site and creating a gathering space in the shopping center.

Summary of SUP Proposal

The Applicant has entered into a lease with Seritage SRC Finance LLC ("Seritage") to lease a portion of the former Sears auto center at the Premises. The restaurant will have approximately 93 indoor seats. In addition, the Applicant is proposing to have an additional 42 seats available for outdoor dining. The seating will be located at the north side of the building and will include 13 tables. A detailed analysis under Code §177-37.2 follows hereafter.

Updike, Kelly & Spellacy, P.C.

100 Pearl Street ▪ PO Box 231277 ▪ Hartford, CT 06123 (t) 860.548.2600 (f) 860.548.2680 www.uks.com

Analysis of Code §177-37.2 Requirements

A. Space Definition/Location

1. A low height planter wall will separate the outdoor dining area from the sidewalk on the north side of the building and from the parking lot. As proposed, the design will maintain the open appearance of the dining area. *See* A101.
2. The Applicant would like to add overhead protection for its patrons in the outdoor dining area. The plans call for four (4) portable umbrellas, which will be at least 7' in height at the drip line. A photo of the umbrellas is shown on A501. Consistent with Town ordinance, there will be no graphics on the umbrellas. The building will have awnings as shown on the plans, but these are decorative and are not intended for protection of the outdoor dining area.
3. No fire hydrants or hose couplings will be obstructed by the proposal, nor will any underground utility cabinets or vaults be impacted.
4. Beer and wine will be served in the proposed outdoor dining area. The Applicant will comply with all requirements of the Department of Consumer Protection regarding the sale and consumption of alcoholic beverages.
5. The proposed outdoor dining area is adjacent to and will be maintained flush with the sidewalk that is located on the north, west and east side of the building.

B. Operations

1. Handicap-accessible dining is provided, compliant with State of Connecticut code, in the proposed outdoor dining area. Four (4) of the thirteen (13) tables in the dining area will be ADA accessible, being able to accommodate a wheelchair.
2. The kitchen facility has been designed to serve the entire restaurant, including the outdoor dining area. The kitchen area will be entirely within the building, and the doors between the building and the outdoor dining area will be self-closing. There will be one (1) waste receptacle located in the outdoor dining area.
3. Applicant's plans are to be submitted to the West Hartford-Bloomfield Health District for review and comment prior to the public hearing. The plans have been designed such that:
 - a. the kitchen facilities are adequate to service the entire restaurant, including the outdoor dining area; and moreover, that there will be no outdoor cooking;
 - b. outdoor storage areas will not be needed for plates, utensils, supplies, etc.; and
 - c. refuse and all other ancillary items will be disposed of in an outdoor refuse receptacle.

4. Applicant does not propose to add heating units to the outdoor dining area.
5. Applicant does not propose an outdoor public address system. The Applicant does propose to have music outdoors, which will likely be from popular music stations via satellite radio.
6. The plans call for patrons to be seated at thirteen (13) tables in the outdoor dining area. Patrons will be regularly monitored at the outdoor tables. Any guest disturbing persons beyond the premises through loud, boisterous or disruptive behavior will, at a minimum, be asked to cease such behavior. If necessary, the guest will be asked to leave the restaurant.
7. The outdoor dining area will not be used between 11:00 p.m. and 7:00 a.m.
8. Animals shall not be permitted within outdoor dining area, except for service animals.
9. The outdoor dining area shall be lighted by a combination of types of lights – string and linear LED. Lighting is shown on the plans submitted with this application. Lighting levels will be designed for adequate illumination of the outdoor dining area and will be non-intrusive. There will be no flashing or blinking lights.

C. Maintenance

1. The outdoor dining area shall be kept clear of litter, food scraps and soiled dishes and utensils at all times. The sidewalk surface area in and around the outdoor dining area shall be swept as necessary (daily) and cleaned to remove greases, oils and stains (monthly). Spilled materials will be cleaned promptly.
2. Trash receptacles shall be emptied whenever full and shall be emptied at the end of each day.
3. The proposal calls for four (4) umbrellas, as described above at part A.2 of this narrative. *See*, detail A101 and A501. The Applicant does not propose any awning for protection of the dining area. The building plans do call for decorative awnings on the building.
4. Tables and chairs will be of commercial grade and will be sufficiently weighted to avoid displacement by wind. Tables will not be bolted to the surface. *See*, detail A501.
5. The furnishings in the proposed outdoor dining area, including tables, umbrellas and chairs, shall be removed and stored indoors or off-premises during the months when the outdoor dining is not in use. Planters, if any, may be stored on-site, although they will be relocated to be immediately adjacent to the facade. Due to the nature of construction, the low height planter wall will remain in place.

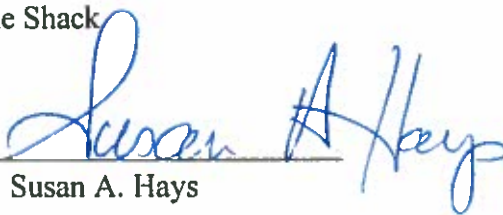
Special Use Permit Application of
Shake Shack
Premises at 1445 New Britain Avenue
July 19, 2017
Page 4

Conclusion

Applicant's plans, specifications and other materials are submitted herewith. We are fully prepared to respond to staff comments and to address the Commission's questions at the public hearing.

Very truly yours,
Shake Shack

By:



Susan A. Hays
Its authorized agent

Attachments:

- (a) Application Form & Affidavit of Interest
- (b) Filing Fee (\$410.00)
- (c) Outdoor Dining Plan (Sheets A101 and A501)



SHAKE SHACK®



EST. 2004 in NYC

NEW HAVEN

Stand For Something Good®



Burgers

100% all-natural Angus beef. No hormones and no antibiotics ever. Our proprietary Shack blend is freshly ground and served on a non-GMO potato bun.

ShackBurger®*

Cheeseburger with lettuce, tomato, ShackSauce

| | | |
|--------|--------|-----|
| \$5.39 | Single | 550 |
| \$8.19 | Double | 855 |

SmokeShack®*

Cheeseburger with all-natural smoked Niman Ranch bacon, chopped cherry pepper, ShackSauce

| | | |
|--------|--------|-----|
| \$6.89 | Single | 620 |
| \$9.69 | Double | 925 |

'Shroom Burger

Crisp-fried portobello mushroom filled with melted muenster and cheddar cheeses, topped with lettuce, tomato, ShackSauce

| | | |
|--------|--|-----|
| \$6.99 | | 490 |
|--------|--|-----|

Shack Stack®*

Cheeseburger and a 'Shroom Burger with lettuce, tomato, ShackSauce

| | | |
|--------|--|-----|
| \$9.69 | | 795 |
|--------|--|-----|

Hamburger*

Let us know if you would like lettuce, tomato, pickle or onion

| | | |
|--------|-------------------|-----|
| \$4.39 | Single | 365 |
| \$6.69 | Double | 620 |
| | Add bacon +\$1.55 | 70 |

| | | |
|----|-----------------------------------|----|
| GF | Gluten-free hamburger bun +\$1.00 | 90 |
|----|-----------------------------------|----|



Chicken

100% all-natural cage-free chicken. No hormones and no antibiotics ever. Served on a non-GMO potato bun.

Chick'n Shack

| | | |
|--------|---|-----|
| \$6.49 | Crispy chicken breast with lettuce, pickles, buttermilk herb mayo | 595 |
|--------|---|-----|



Flat-Top Dogs

100% all-natural Vienna beef. No hormones and no antibiotics ever. Served on a non-GMO potato bun.

| | | |
|--------|-----------------|-----|
| \$4.29 | Shack-cago Dog® | 380 |
|--------|-----------------|-----|

Dragged through the garden with Rick's Picks Shack relish, onion, cucumber, pickle, tomato, sport pepper, celery salt, mustard

| | | |
|--------|--------------------------------|-----|
| \$3.39 | Hot Dog | 350 |
| | Add Shack cheese sauce +\$0.50 | 70 |

| | | |
|--------|---|-----|
| \$4.69 | Chicken Dog | 320 |
| | Shake Shack chicken, apple and sage sausage | |



Crinkle Cut Fries

| | | |
|--------|--------------|-----|
| \$2.99 | Fries | 420 |
| \$3.99 | Cheese Fries | 560 |



Frozen Custard

Dense, rich, creamy ice cream, spun fresh all day. Our custard base is made from cage-free eggs and all-natural sugar, never from corn syrup.



Shakes

Seasonal Shakes

Check out the menu board for seasonal flavors

| | | |
|--------|---|--|
| \$5.29 | Hand-spun vanilla, chocolate, salted caramel, black & white, strawberry, peanut butter, coffee Fair Shake | |
|--------|---|--|

Make it malted +\$0.50 60

Add whipped cream +\$0.50 75

| | | |
|--------|--------|-----|
| \$5.29 | Floats | 510 |
|--------|--------|-----|

Root beer, purple cow, creamsicle



Cups & Cones

Vanilla or chocolate

| | | |
|--------|------------|---------|
| \$3.69 | Single Dip | 220-260 |
| \$4.69 | Double Dip | 450-510 |



Concretes

Frozen custard blended with mix-ins

| | | |
|--------|--------|----------|
| \$4.65 | Single | 280-545 |
| \$6.85 | Double | 560-1090 |

Elm City Coffee Break

Vanilla custard, coffee cake marshmallow sauce and Scratch Baking pecan shortbread

Skull & Cones

Chocolate & vanilla custard, shattered sugar cone, peanut butter sauce and chocolate truffle cookie dough

Boola Boola Blue

Vanilla custard and slice of Scratch Baking lemon blueberry pie

5% of sales from our Boola Boola Blue concrete support The Hole in the Wall Gang Camp, a nonprofit dedicated to providing "a different kind of healing" to seriously ill children and their families, free of charge.

Design Your Own Concrete

Choose vanilla or chocolate frozen custard and your choice of mix-ins



Woof

Treats for those with four feet.

| | | |
|--------|---|--|
| \$3.99 | Pooch-ini® | |
| | ShackBurger dog biscuit, peanut butter sauce, vanilla custard | |
| | Not intended for small dogs. | |

| | | |
|--------|--|--|
| \$7.99 | Bag O' Bones | |
| | 5 ShackBurger dog biscuits by Bocce's Bakery | |



Drinks

Shack-made Lemonade

Original or featured flavor

| | | |
|--------|-------|---------|
| \$2.85 | Small | 130-155 |
| \$3.60 | Large | 195-235 |

Organic Fresh Brewed Iced Tea

| | | |
|--------|-------|---|
| \$2.35 | Small | 0 |
| \$2.85 | Large | 0 |

Fifty/Fifty™

Half lemonade, half organic iced tea

| | | |
|--------|-------|-----|
| \$2.60 | Small | 80 |
| \$3.35 | Large | 115 |

Fountain Soda

Coke, Diet Coke, Coke Zero, Sprite, Fanta Orange, Fanta Grape, Dr Pepper

| | | |
|--------|-------|-------|
| \$2.35 | Small | 0-180 |
| \$2.85 | Large | 0-270 |

Abita Draft Root Beer

| | | |
|--------|-------|-----|
| \$2.85 | Small | 160 |
| \$3.60 | Large | 270 |

Stumptown Cold Brew Coffee

Brewed with Direct Trade beans

| | | |
|--------|--|---|
| \$4.79 | | 3 |
|--------|--|---|

Honest Kids Organic Apple Juice

| | | |
|--------|--|----|
| \$1.95 | | 40 |
|--------|--|----|

SHACK | 100% Bottled Water

1% supports the cleanup of water sources

| | | |
|--------|--|---|
| \$2.45 | | 0 |
|--------|--|---|

Bottled Sparkling Water

| | | |
|--------|--|---|
| \$2.45 | | 0 |
|--------|--|---|



Beer

ShackMeister® Ale

Brewed exclusively for Shake Shack by Brooklyn Brewery

| | | |
|--------|--------------|-----|
| \$5.79 | Draft, 16oz. | 190 |
| \$7.79 | Draft, 24oz | 285 |



Wine

Shack Red or White

Made exclusively for Shake Shack by Frog's Leap, Napa Valley, CA

| | | |
|--------|-------------------|-----|
| \$7.99 | White, 6oz. Glass | 120 |
| \$8.99 | Red, 6oz. Glass | 125 |

| | | |
|---------|----------------------|-----|
| \$28.39 | White, 750ml. Bottle | 510 |
|---------|----------------------|-----|

| | | |
|---------|--------------------|-----|
| \$32.49 | Red, 750ml. Bottle | 535 |
|---------|--------------------|-----|

Sparkling

| | | |
|---------|----------------------------------|-----|
| \$15.00 | Mionetto Prosecco, 375ml. Bottle | 235 |
|---------|----------------------------------|-----|

GF Our kitchen is not a gluten-free dedicated facility. 2,000 calories a day is used for general nutrition advice, but calorie needs vary.

Please inform your cashier if a person in your party has a food allergy. Peanuts, nuts and other food allergens are present at Shake Shack. We cannot guarantee that our products will be free of the eight major allergens identified by the FDA.

*Notice: consuming raw or undercooked meats, poultry, seafood, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

Forwarded on 8.10.17 to: S. Hays
C. Dorau
T. Dumais

Brittany Bermingham

From: Mike Sinsigalli
Sent: Tuesday, August 08, 2017 4:49 PM
To: Brittany Bermingham
Subject: RE: 1445 New Britain Avenue- Shake Shack SUP for Staff Referral

Brittany,
Review of the site plan and description of the above noted outdoor dining disclosed no issues of concern.

Michael Sinsigalli
Assistant Fire Chief
West Hartford Fire Department
860-561-8308

The fire that you prevent may be the one that would have taken your life!

Please note email address change to msinsigalli@westhartfordct.gov
[Follow Us](#)

From: Brittany Bermingham
Sent: Monday, August 07, 2017 1:40 PM
To: Bob Proctor <BobP@WestHartfordCT.gov>; Aimee Krauss <Aimee.Krauss@WestHartfordCT.gov>; Tracey Gove <TGove@WestHartfordCT.gov>; Mike Sinsigalli <MSinsigalli@WestHartfordCT.gov>; Tim Mikloiche <TMikloiche@WestHartfordCT.gov>
Cc: Todd Dumais <Todd.Dumais@WestHartfordCT.gov>; Catherine Dorau <cdorau@WestHartfordCT.gov>
Subject: 1445 New Britain Avenue- Shake Shack SUP for Staff Referral

Hello,

Please see the attached application and plans for 1445 New Britain Avenue (Shake Shack) outdoor dining. This item will be going to the September TPZ meeting. If you can please provide us with comments no later than Thursday, August 17, that would be great.

Thank you,

Brittany A. Bermingham
Planning Technician
Town of West Hartford
Department of Community Development: Planning & Zoning Division
50 South Main Street, Room 214 | West Hartford CT 06107 | t 860.561.7555 | f 860.561.7504
brittany.bermingham@westhartfordct.gov

Brittany Bermingham

*Emailed to on 8/8/17 to: S. Hays
T. Dumais
C. Dorau*

From: Brittany Bermingham
Sent: Tuesday, August 08, 2017 9:01 AM
To: 'Susie Hays'
Cc: Todd Dumais; Catherine Dorau
Subject: FW: 1445 New Britain Avenue- Shake Shack SUP for Staff Referral

Please see the comments below for the Shake Shack Outdoor Dining SUP.

From: Tracey Gove
Sent: Tuesday, August 08, 2017 7:29 AM
To: Brittany Bermingham <Brittany.Bermingham@WestHartfordCT.gov>; Bob Proctor <BobP@WestHartfordCT.gov>; Aimee Krauss <Aimee.Krauss@WestHartfordCT.gov>; Mike Sinsigalli <MSinsigalli@WestHartfordCT.gov>; Tim Mikloiche <TMikloiche@WestHartfordCT.gov>
Cc: Todd Dumais <Todd.Dumais@WestHartfordCT.gov>; Catherine Dorau <cdorau@WestHartfordCT.gov>
Subject: RE: 1445 New Britain Avenue- Shake Shack SUP for Staff Referral

No issues from PD.

From: Brittany Bermingham
Sent: Monday, August 7, 2017 1:40 PM
To: Bob Proctor <BobP@WestHartfordCT.gov>; Aimee Krauss <Aimee.Krauss@WestHartfordCT.gov>; Tracey Gove <TGove@WestHartfordCT.gov>; Mike Sinsigalli <MSinsigalli@WestHartfordCT.gov>; Tim Mikloiche <TMikloiche@WestHartfordCT.gov>
Cc: Todd Dumais <Todd.Dumais@WestHartfordCT.gov>; Catherine Dorau <cdorau@WestHartfordCT.gov>
Subject: 1445 New Britain Avenue- Shake Shack SUP for Staff Referral

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Thank you,

Brittany A. Bermingham
Planning Technician
Town of West Hartford
Department of Community Development: Planning & Zoning Division
50 South Main Street, Room 214 | West Hartford CT 06107 | t 860.561.7555 | f 860.561.7504
brittany.bermingham@westhartfordct.gov

Brittany Bermingham

Forwarded on 8/8/17 to:
S. Hays
T. Dumais
C. Dorau

From: Bob Proctor
Sent: Tuesday, August 08, 2017 12:06 PM
To: Catherine Dorau
Cc: Todd Dumais; Brittany Bermingham; Aimee Krauss
Subject: 1445 New Britain Ave, SUP #1312 (Shake Shack Restaurant)-OUTDOOR DINING

Cathy,

We have reviewed the narrative and plan set for the proposed outdoor dining at the Shake Shack Restaurant and found it to be acceptable as presented. It is our understanding that the SUP Application is a request to provide an OUTSIDE DINING area that will contain 13 tables and 42 seats.

Bob Proctor, RS
West Hartford Bloomfield Health District
8-8-17

Forwarded on 8.11.17 to: S. Hays
T. Dumais
C. Drouin



MEMORANDUM

TO: Todd Dumais, Town Planner
FROM: ^{DJM} Duane J. Martin, P.E., Town Engineer
RE: 1445 New Britain Avenue (Shake Shack) Special Use Permit No. 1312
DATE: August 11, 2017

The Engineering Division reviewed the Special Use Permit Application No. 1312 dated July 20, 2017 for 1445 New Britain Avenue (Shake Shack) for outdoor dining and has no comments. We find the application acceptable.